

SUBJECT : SPOT REPORT ON THE 10:00 AM, 01 DECEMBER 2004 JOINT PUBLIC HEARING OF THE COMMITTEES ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT/NATIONAL DEFENSE AND SECURITY AT THE PECSON ROOM TO DELIBERATE ON THE 1.) NOVEMBER 17, 2004 PRIVILEGE SPEECH OF SENATOR JINGGOY ESTRADA ENTITLED "RIGHT OF FREE ASSEMBLY OF OUR WORKERS" 2.) P.S. RES. NO. 132/133 – INVESTIGATION ON THE VIOLENT DISPERSAL OF THE STRIKERS AT HACIENDA LUISITA.

I PRELIMINARY

Senators Present: J. Estrada., L. Estrada, Pimentel, Enrile, S. Osmeña III, Lim and Gordon

Resource Persons: Patricia Sto. Tomas, Secretary, Department of Labor and Employment (DOLE); Major Gen Pedro Cesar Ramboanga, Deputy Chief of Staff for Operations, AFP; PGen Reynaldo Velasco, Deputy Chief for Operations, PNP; Atty. Adison Castro, Legal Counsel, Hacienda Luisita; Genaro Mendoza, Mayor, Tarlac City; Lt Gen Romeo Dominguez, Commander, Northern Command, AFP; PSR Supt. Angelo Sunglao, Provincial Director, Camp Macabulos, Tarlac City; Pchief Supt. Quirino dela Torre, Regional Director for Central Luzon; Rene Galang, President, United Luisita Worker's Union (ULWU); Elmer Labog, Chairman, Kilusang Mayo Uno (KMU); Emil Paragas, Coordinator, KARAPATAN, TARLAC; Girlie Padilla, Acting Secretary General, Ecumenical Movement for Justice and Peace (EMJP); Ronald Alcantara, Acting President , ULWU; Ricardo Ramos, President, Central Azucarera de Tarlac Labor Union (CATLU); Antonio Corrado, Assistant Secretary, Legal Department, Office of the President

DISCUSSION

Senator Jinggoy Estrada stated, in his preliminary remarks, that the violent dispersal at Hacienda Luisita is an unfortunate incident. The thrust of the Committee inquiry is to formulate appropriate legislative measures

to prevent a similar occurrence as well as pinpoint responsibility for the gruesome murders.

Police Senior Superintendent/Provincial Director Angelo Sunglao told the Committee that their main objective was to enforce the RETURN TO WORK Ruling of the Department of Labor and Employment. Police Chief Superintendent/Regional Director for Central Luzon, Quirino Dela Torre cited the presence of Congressmen Mariano, Casino and Ocampo in Tarlac prior to the 16 November 2004 incident.

After the first video presentation, Senator Osmeña III noted that the tapes shown were obviously edited. Senator Osmeña III directed the military/police officials to submit to the Committee all the unedited portions of the video tapes.

On the query of Senator Enrile, Department of Land Reform (DLR) Secretary Rene Villa informed the Body that 14 entities availed of the Stock Distribution Option (SDO) scheme. The area covered by the SDO scheme is 7,000 hectares. Senator Enrile asked why only 4,900 hectares of Hacienda Luisita was under the Comprehensive Agrarian Reform Program (CARP). Secretary Villa surmised that the excluded land were no longer classified as agricultural lands. The DLR Chief agreed with Senator Enrile's proposal to revisit the SDO scheme even to the extent of advocating for its repeal. Secretary Villa assured the Body that DLR would take a serious look at the CARP law to pinpoint its inherent weaknesses.

Senator Enrile asked the DLR Secretary if the CARP can be deemed a failure. Secretary Villa replied at this point he is not prepared to make that conclusion but promised to study the matter. Mr. Villa told the Committee that he formed a task force to spearhead the review of this aforementioned issues.

Senator Lim wondered if those responsible for the death of 7 protesters have been identified. Police General/Deputy Chief for Operations, Philippine National Police Reynaldo Velasco admitted that their investigation has not been completed. Senator Lim expressed disappointment that two weeks had elapsed and the investigation has not progressed at all.

Senator Pimentel urged the ranks of the protesters to submit their sworn affidavits to the National Bureau of Investigation/Police so that the truth will surface. KARAPATAN Coordinator Emil Paragas proposed the formulation of an independent/impartial fact finding body to be composed of respected community members, academe executives and officials of the ecclesiastical order.

Senator Lim expressed bewilderment as to where the gun shots emanated considering that the civil disturbance unit at the front lines were unarmed except for shields, truncheons, helmets and gas masks while the security group was positioned 100 meters away from the area of conflict.

Armed Forces of the Philippines Deputy Chief of Staff for Operations Major General Pedro Cesar Ramboanga confirmed that there was no clearance from the AFP leadership to deploy the military to diffuse the tension at Hacienda Luisita. However, he presented the Crisis Management Manual (CMM) (signed by President Estrada) as providing for inter-agency cooperation to address protracted labor strikes. Senator Enrile maintained that the CMM does NOT contain any provision on the handling of labor strikes.

Department of Labor and Employment Secretary Patricia Sto. Tomas told the Body that deployment of 290 members of the Northern Command was essentially to assist the Philippine National Police staff and also prevent the situation from escalating into lawless violence.

On the query of Senator Enrile as to who is the specific military/police official who issued the order to commence firing at the ranks of strikers, Director Sunglao replied that he heard gunshots from everywhere. Senior Superintendent Sunglao said that perhaps the sound of gunshots prompted his troops to fire back at the strikers. Senator Osmeña III declared that Director Sunglao's remarks are somewhat INCREDIBLE!

Senator Enrile asked if Senior Superintendent Sunglao considers slingshots, bamboo sticks and large stones lethal weapons. Director Sunglao pointed out that molotov cocktails were thrown at their direction. Moreover the nearby gasoline station was already burning!

Senator Enrile inquired who initiated the firing of guns. Police Senior Superintendent Sunglao said that this issue is precisely the subject of an on going investigation.

On the query of Senator Biazon on whether the military/police personnel/weapons were already subjected to paraffin tests/ballistic examinations, Police General Velasco revealed that 9 policemen tested positive for powder burns. Police General Velasco insisted that their frontliners were UNARMED!

Senator Biazon asked what triggered the firing. Director Sunglao told the Committee that molotov cocktails were hurled at them and two dozen picketers came out of the main gate of Hacienda Luisita taunting the military/police forces. Senior Superintendent Sunglao added that an order was issued NOT to fire their guns. On the query of Senator Biazon as to the procedure for soliciting military reinforcements, Major General Ramboanga cited the long history of cooperation between the PNP/Military for requests of this nature.

DOLE Secretary recalled that of the 40 labor cases she handled this year only the Hacienda Luisita case resulted in unwarranted violence. Kilusang Mayo Uno (KMU) Chairman Elmer Labog deplored the harassment, brutality and murder inflicted to the ranks of the workers.

Contrary to the pronouncements of Secretary Sto. Tomas, violence attended the dispersal of the strikes of the following corporate entities to wit; Nestle, Sulpicio Lines, Tritan and Nissan.

Senator Jinggoy Estrada remarked that the decision of the DOLE Secretary requesting for military reinforcements to quell the Hacienda Luisita strike was an illegal order. Secretary Sto. Tomas clarified that Section 263 of the Labor Code as well as 3 Memorandum of Agreements signed by Enrile/Ople, Drilon/Ileto and Barbers/Quisumbing in 1976, 1987 and 1997 confers to the DOLE Chief the authority to request for: AFP assistance to enforce DOLE directives. The Chair requested for copies of the aforementioned MOAs.

Director Sunglao felt that since there was incessant throwing of Molotov cocktails and huge rocks, the safety of the military/police were at great risk. He emphasized that their mission order which is to open the main gate of Hacienda Luisita was a **LAWFUL ORDER** while the 10 day barricade of the 5,000 strikers can be deemed as an **ILLEGAL ACT**.

Senator Lim asked if the Hacienda Luisita Management instructed the troops to disperse the strikers **AT ALL COSTS**. Director Sunglao stated that they obey **ONLY** lawful orders.

DLR Secretary Villa affirmed that the SDO scheme is in full accordance with the law. He recalled that in the late 80's, two referendums were conducted by the Hacienda Luisita Management. The farmers/employees overwhelming (96%) voted for SDO. Secretary Villa denied that Mrs. Corazon Aquino interfered with DLR proclamations. Senator Osmeña III inquired as to the mode of action if the land beneficiaries withdraw their consent to the SDO arrangement. Secretary Villa replied that the law is silent on the matter.

KMU Chairman believed the DOLE's assumption of jurisdiction was the proximate cause of the death of the seven workers of Hacienda Luisita. Mr. Labog maintained that the Hacienda Luisita employees were merely exercising their rights to combat oppressive management practices. Mr. Labog pointed out that as shown in the second video presentation, the workers were restless but they were not violent except for a few instances of stone throwing. Senator Biazon advised the Committee to view the film clips of the Channel 2 cameraman.

Mr. Labog announced to the Body that several years ago the strike infected Nestle shouldered the traveling expenses of Secretary Sto. Tomas to Rome. The KMU Chairman pressed for the immediate relief of the DOLE Secretary. Mr. Labog warned of a whitewash in the investigation. The KMU Chairman predicted that, in as much as the military/police officials have stubbornly refused to accept culpability for the death of the 7 laborers, then the inevitable conclusion is that the seven fatalities **COMMITTED SUICIDE BY SHOOTING THEMSELVES AT THE BACK!**

Mr. Labog hinted that Police General Velasco was a former Provincial Commander of Tarlac during the term of Governor Tingting Cojuangco. Police General Velasco pointed out that he was never close to the Cojuangcos nor was he ever Provincial Commander of Tarlac. Mr. Labog felt that the retrenchment of 300 Hacienda Luisita workers was undertaken to bust the Central Azucarera de Tarlac Labor Union (CATLU).

DOLE Secretary Sto. Tomas denounced Mr. Labog for twisting the facts. The simple truth is that the military/police action was merely in compliance with the law. Secretary Sto. Tomas vehemently denied insinuations that NESTLE spent for her foreign travel to Rome. The DOLE Chief hinted that it is the KMU which draws its funding from foreign sources. (Netherlands)

Senator Jinggoy Estrada inquired if Nestle gave DOLE Secretary 4,750 francs plus the services of a limousine during one of her foreign travels. The DOLE Chief stated that she has not received a single centavo from Nestle! She vowed to resign if there is evidence that Nestle defrayed her travel expenses. Moreover, Secretary Sto. Tomas recalled that the limousine was provided for by the Philippine Consulate based in Geneva.

If the military/police personnel were exercising maximum tolerance, Senator Osmeña III expressed bewilderment that 1,000 rounds of ammunition were spent during the assault. This was vividly captured in the second video presentation. Senator Osmeña III, suggested the utilization of rubber bullets for crowd control purposes.

Senator Osmeña III felt that there was no sufficient provocation to merit the firing of guns directly at the protesters. At this juncture, Senator Osmeña III instructed Secretary Villa to furnish the Committee with a listing of the landowners who availed of the SDO system including the corresponding hectarage, crops produced and the municipalities covered.

KARAPATAN coordinator Mr. Emil Paragas proposed that the Committee summon Don Pedro Cojuangco for the next public hearing. Mr. Paragas insisted that 6,453 hectares of Hacienda Luisita should be under the scope of DLR. Hacienda Luisita (HL) Counsel Adison Castro maintained that Hacienda Luisita has a total land area of 4,900 hectares. Atty. Castro emphasized that Mr. Paragas has no business representing the workers since he is not even an employee of Hacienda Luisita. Mr. Paragas argued that the workers requested his organization's assistance to articulate their grievances to the general public. Senator Osmeña III requested for a copy of the Collective Bargaining Agreement (CBA) between HL management and its 5,000 workers.

United Luisita Worker's Union (ULWU) President Rene Galang claimed that the HL workers are not allowed to plant on vacant lots. ULWU Acting President Ronald Alcantara told the Committee that HL management allocated 3 hectares per barangay for planting subsistence crops.

Mr. Galang read the onerous provisions as contained in the CBA. Atty. Castro stressed that the abovesited provisions were lifted from the Quit Claim document and not the CBA. It was revealed that 4 out of the 11 Hacienda Luisita Board of Directors seats are reserved for the farmers representatives. Mr. Galang admitted that the 4 farmer representatives boycott the board meetings since they are always outvoted.

The Chair inquired if Police General (PGen) Reynaldo Velasco recalls the contents of Batas Pambansa No. 880. General Velasco retorted that it would be nearly impossible/extremely difficult for police officers to memorize ALL the laws.

On the query of Senator J. Estrada as to who is responsible for the deaths of the 7 workers, Director Sunlao replied that it is the subject of an on going investigation. For his part Police Gen Velasco commented that at this point he cannot make a conclusion. DOLE Secretary Sto. Tomas stated that those who goaded the strikers to commit illegal acts should be held liable for the deaths of the 7 protesters.

AFP Lieutenant General Romeo Dominguez assured the Committee of its full cooperation on this matter. Lieutenant General Dominguez opined that the Hacienda Luisita debacle was a grand design hatched by the Communist Party of the Philippines/New Peoples Army to cripple the economic development of the country. He hinted that the gunshots may have come from the ranks of the farmers. Mr. Paragas cited the propensity of the military to blame the CPP/NPA on the labor strikes that turn out to be bloody.

The public hearing was adjourned at 3:30pm.

Respectfully submitted:

ARTURO I. MOJICA, JR.